

D E C L A R A T I O N

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ANTIFUNGAL POLYPEPTIDE AND METHODS FOR CONTROLLING PLANT PATHOGENIC FUNGI**, the Specification of which:

is attached hereto.

X was filed on December 13, 1996 as Application Serial No. 08/766,355.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A		
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Barbara S. Kitchell, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210 (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Jihong Liang
(First) (Initial) (Last)

Inventor's Signature: Liang Jihong

Date: 4/8/97 Country of Citizenship: China

Resident Address: 936 Wellesley Place Dr. Chesterfield, MO 63017
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address)

Inventor's Full Name: Dilip Maqanlal Shah
(First) (Initial) (Last)

Inventor's Signature: Dilip Maqanlal Shah

Date: 04/07/97 Country of Citizenship: USA

Resident Address: 14800 Lupine Ct, Chesterfield, MO 63017
(Include number, street name, city, state, and country)

Post Office Address: 14800 Lupine Ct, Chesterfield, MO 63017
(if different from residence address)

Inventor's Full Name: Yonnie S. Wu
(First) (Initial) (Last)

Inventor's Signature: Yonnie Wu

Date: 04/07/97 Country of Citizenship: P. R. China

Resident Address: 16618 Babler View Dr. Wildwood, MO 63011
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address)

Inventor's Full Name: Cindy A. Rosenberger
(First) (Initial) (Last)

Inventor's Signature: Cindy A. Rosenberger

Date: 4/7/97 Country of Citizenship: USA

Resident Address: 557 RED BRIDGE CT, BALLWIN, MO 63021 USA
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address)

Inventor's Full Name: Salim Hakimi
(First) (Initial) (Last)

Inventor's Signature: Salim Hakimi

Date: 4/9/97 Country of Citizenship: US

Resident Address: 15625 Summerlake Dr Chesterfield MO 63017
(Include number, street name, city, state, and country)

Post Office Address: _____
(if different from residence address)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Jihong Liang, Dilip Maganlal §
Shah, Yonnie S. Wu, Cindy A. §
Rosenberger and Salim Hakimi §
Serial No.: 08/766,355 § Examiner: Unknown
Filed: December 13, 1996 § Group Art Unit: Unknown
For: ANTIFUNGAL POLYPEPTIDE AND § Atty. Dkt: MOBT:063/KIT
METHODS FOR CONTROLLING §
PLANT PATHOGENIC FUNGI §

ELECTION UNDER 37 C.F.R. §§ 3.71
AND 3.73 AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints John F. Lynch, Reg. No. 22,504, Louis T. Pirkey, Reg. No. 22,393; J. Paul Williamson, Reg. No. 29,600; Melinda L. Patterson, Reg. No. 33,092; David L. Parker, Reg. No. 32,165; Barbara S. Kitchell, Reg. No. 33,928; Mark B. Wilson, Reg. No. 37,259; Gary J. Sertich, Reg. No. 34,430; Steven L. Highlander, Reg. No. 37,642; Timothy S. Corder, Reg. No. 38,414; Adam V. Floyd, Reg. No. 39,192; and Shelley P.M. Fussey, Reg. No. 39,458; each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Monsanto Company, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Barbara S. Kitchell
ARNOLD, WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210-4433
(512) 418-3000

ASSIGNEE: MONSANTO COMPANY

By:

Jon H. Beusen
Name: Jon H. Beusen
Title: Intellectual Property Counsel
Reg. No. 38,610

Date: May 12, 1997
ASSIGNMENT: Concurrently filed

Jon H. Beusen
Intellectual Property Counsel
Authorized to sign this document for
Monsanto Company by resolution dated
April 16, 1996 of the Board of Directors

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06/23/97 BY 60321
MOBT
063



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JULY 24, 1997

PTAS

ARNOLD, WHITE & DURKEE
BARBARA S. KITCHELL
P.O. BOX 4433
HOUSTON, TX 77210



100446122A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/12/1997

REEL/FRAME: 8563/0462
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LIANG, JIHONG

DOC DATE: 04/08/1997

ASSIGNOR:

SHAH, DILIP MAGANLAL

DOC DATE: 04/07/1997

ASSIGNOR:

WU, YONNIE S.

DOC DATE: 04/07/1997

ASSIGNOR:

ROSENBERGER, CINDY A.

DOC DATE: 04/07/1997

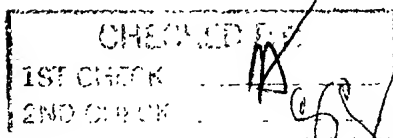
ASSIGNOR:

HAKIMI, SALIM

DOC DATE: 04/09/1997

ASSIGNEE:

MONSANTO COMPANY
700 CHESTERFIELD PARKWAY NORTH
ST. LOUIS, MISSOURI 63198



REC'D - A.W.D.

AUG 02 1997

DOCKET DESK

8563/0462 PAGE 2

SERIAL NUMBER: 08766355
PATENT NUMBER:

FILING DATE: 12/13/1996
ISSUE DATE:

DIANE RUSSELE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Monsanto Company (the "Assignee"), having a place of business at 700 Chesterfield Parkway North, St. Louis, Missouri 63198, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/766,355 which has been filed on December 13, 1996 and is entitled "ANTIFUNGAL POLYPEPTIDE AND METHODS FOR CONTROLLING PLANT PATHOGENIC FUNGI," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): Jihong Liang
Name: Jihong Liang

Date: 4/8/97

STATE OF MISSOURI)

COUNTY OF St. Louis)

SS.

BEFORE ME, the undersigned authority, on this 8th day of April, 1997, personally appeared Jihong Liang, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A. Lorenz
Notary or Consular Officer

[SEAL]

JUDITH A. LORENZ
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP NOV 20, 1999

(Signature): Dilip Maganlal Shah
Name: Dilip Maganlal Shah

Date: 04/07/97

STATE OF MISSOURI)
COUNTY OF St. Louis) ss.

BEFORE ME, the undersigned authority, on this 7th day of April, 1997, personally appeared Dilip Maganlal Shah, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A. Lorenz
Notary or Consular Officer

[SEAL]

JUDITH A. LORENZ
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP NOV 20, 1999

(Signature): Yonnie Wu
Name: Yonnie S. Wu

Date: 4/7/97

STATE OF MISSOURI)
COUNTY OF St. Louis) ss.

BEFORE ME, the undersigned authority, on this 7th day of April, 1997, personally appeared Yonnie S. Wu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A. Lorenz
Notary or Consular Officer

[SEAL]

JUDITH A. LORENZ
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP NOV 20, 1999

(Signature): Cindy A. Rosenberg
Name: Cindy A. Rosenberg

Date: 4/7/97

STATE OF MISSOURI)
COUNTY OF St. Louis) ss.

BEFORE ME, the undersigned authority, on this 7th day of April, 1997, personally appeared Cindy A. Rosenberger, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A. Lorenz
Notary or Consular Officer

[SEAL]

JUDITH A. LORENZ
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP NOV 20, 1999

(Signature): Salim Hakimi
Name: Salim Hakimi

Date: 4/9/97

STATE OF MISSOURI)
) ss.
COUNTY OF St. Louis)

BEFORE ME, the undersigned authority, on this 9th day of April, 1997, personally appeared Salim Hakimi, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A. Lorenz
Notary or Consular Officer

[SEAL]
d

JUDITH A. LORENZ
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP. NOV. 20, 1999

P. O. Box 4433
Houston, Texas 77210

ARNOLD, WHITE & DURKEE
2001 Jefferson Davis Hwy., Ste. 401
Arlington, Virginia 22202

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:

06/07/00
Date

Barbara Heppner
Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
J. Liang et al.

Serial No.: To Be Assigned

Filed: To Be Assigned

Prior Group Art Unit: 1638

Prior Examiner: Amy Nelson

Atty. Dkt. No.: MOBT:193--1/DOS

For: ANTIFUNGAL POLYPEPTIDE FROM
ALFALFA AND METHODS FOR
CONTROLLING PLANT PATHOGENIC
FUNGI

ASSOCIATE POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being an attorney of record in the above-identified application hereby appoints Darrell G. Dotson, Reg. No. 44,661, an associate of the firm of HOWREY SIMON ARNOLD & WHITE, LLP as associate attorney or agent for so long as he remains with such firm, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent document.

HOWREY SIMON ARNOLD & WHITE, LLP

ASSOCIATE POWER OF ATTORNEY
AND CHANGE OF CORRESPONDENCE ADDRESS

Please direct all future communications regarding this application as follows:

Elizabeth Graf
HOWREY SIMON ARNOLD & WHITE
750 Bering Dr.
Houston, Texas 77057
(713) 787-1400

Respectfully submitted,



Melinda L. Patterson
Reg. No. 33,062
ATTORNEY FOR APPLICANTS

HOWREY SIMON ARNOLD & WHITE,
LLP
750 Bering Drive
Houston, Texas 77057
(713) 787-1524

Date: June 7, 2000